

WMD COMMISSION RECOMMENDATIONS BILL

Executive Summary

Purpose: To enhance homeland security by improving efforts to counter an attack with a weapon of mass destruction (especially a biological weapon), and for other purposes.

Structure: The bill is structured in a logical framework wherein the actions and activities appropriate for the “good guys” to take for each stage of an attack, from prevention and deterrence – appropriate to counter an enemy’s conception or planning – all the way through to post-event recovery are considered. Actions to be taken prior to an attack are considered in the first two titles: **Title I – Prevention and Deterrence**, and **Title II – Preparedness**. Actions to be taken in the wake of an attack are considered in the following four titles: **Title III – Detection**, **Title IV – Attribution**, **Title V – Response**, and **Title VI – Recovery**.

TITLE I—PREVENTION AND DETERRENCE

SEC. 101. National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction.

This section requires the Director of National Intelligence to develop and maintain a National Intelligence Strategy for Countering the Threat from Weapons of Mass Destruction. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 10 AND 11.)

SEC. 102. National Intelligence Strategy for Countering Biological Threats.

This section seeks to build on the National Intelligence Strategy for Countering Biological Threats (initially produced in 2007), and expand efforts to create a national cadre of biological experts. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 2-2, 10, AND 11.)

SEC. 103. Weapons of Mass Destruction Intelligence and Information Sharing; Public Health Security Intelligence Enterprise; Bioterrorism Risk Assessments.

This section establishes a Homeland Security Weapons of Mass Destruction Intelligence and Information Sharing unit at DHS, establishes the Public Health Security Intelligence Enterprise at DHS, and requires the Secretary of Homeland Security to conduct biennial Bioterrorism Risk Assessments to identify and assess evolving biological risks to the nation. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 2-2, 10, AND 13.)

SEC. 104. Material Threat Assessments and Determinations.

Recognizing the evolving nature of the threat, advances in technology and changing priorities, this section amends the BioShield Act to require review and reassessment of existing material threat determinations and determine whether these agents continue to present a material threat against the United States population sufficient to affect national security and homeland security. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 105. National Pre-Event Vaccination and Antimicrobial Distribution Policy Review.

This section requires the Secretary of Health and Human Services to review the adequacy of vaccination and antimicrobial distribution policy, guidance, and information provided to the

public in light of known biological threats to the United States. If certain biological agents pose a material threat to the United States, then there may be the need for different vaccination policy (e.g., first responders could be allowed to be immunized against these agents on a voluntary basis). (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 106. Designation of Tier 1 Material Threat Agents.

This section requires the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security and other appropriate Federal agencies, to issue regulations to create a top tier of select agents that are considered material threats to the United States, and that, therefore, would require additional security. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-3.)

SEC. 107. Enhanced Biosecurity Measures.

This section requires the Secretary of Homeland Security to convene a negotiated rulemaking committee that develops enhanced biosecurity measures for Tier 1 Material Threat Agents. This section also allows the Secretary of Homeland Security to conduct inspections of laboratories that possess Tier 1 Material Threat Agents. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-3 AND 1-4.)

SEC. 108. Background Checks.

This section requires the Attorney General to coordinate with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of State to determine if these Departments possess any information relevant to the identification of individuals that should not be given access to select agents because they are reasonably suspected of knowing involvement with an organization that engages in domestic or international terrorism or with any other organization that engages in intentional crimes of violence. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-3 AND 10.)

SEC. 109. Tier 1 Material Threat Agent Locations.

This section requires the Secretary of Homeland Security to maintain a list of laboratories and other locations where Tier 1 Material Threat Agents are present in the United States and its territories. Additionally, this section requires the Secretary of State, in coordination with other appropriate Federal agencies to work with partner countries and regions to identify collections of high-risk pathogens and toxins, and where possible, consolidate collections at national centers. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-3 AND 2-2.)

SEC. 110. High Containment Biological Laboratory Protection Grants.

This section permits the Secretary of Homeland Security to provide grants to high-containment laboratories to increase their biosecurity and related biosafety levels in order to be able to handle Tier 1 Material Threat Agents and other agents requiring high containment. Specifically, the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency (FEMA), may award grants to academic, and nonprofit organizations and to State, local, and tribal governments to enhance preparedness, security, and collective response to the use of biological weapons of mass destruction and biological terrorism. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-3.)

SEC. 111. Laboratory Biosecurity Information Sharing.

This section requires the Secretary of Homeland Security to establish procedures, with appropriate restrictions on access, for the sharing of homeland security information. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-3.)

SEC. 112. Advancing Societal Norms through Legal Mechanisms.

This section requires the Attorney General to periodically review and recommend updates to criminal statutes to prevent criminal misuse of life sciences and to inform stakeholders of actions that can reduce the risk of misuse of life sciences. This section also requires Secretary of State to comprehensively address biosecurity in the international arena, including the Biological Weapons Convention. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-4 AND 2-4.)

SEC. 113. Dual-Use Terrorist Risks from Synthetic Genomics.

This section requires the Under Secretary of Science and Technology of the Department of Homeland Security to examine and report to the Congress on the homeland security implications of the dual-use nature of synthetic genomics and fund research in that area. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-4.)

SEC. 114. Counter-Proliferation Investigations.

This section authorizes the Secretary of Homeland Security to investigate and enforce criminal violations of all relevant U.S. export laws, integrate homeland security, law enforcement, intelligence, and foreign officials into coordinated operations regarding threats associated with the illegal export of critical technology, and to conduct industry outreach with manufacturers and/or exporters of strategic technologies or commodities. (ADDRESSES WORLD AT RISK RECOMMENDATION 10.)

TITLE II—PREPAREDNESS

SEC. 201. Biotechnology Development.

This section requires the Secretary of Health and Human Services to develop a comprehensive research, development, and acquisition process to counter the biological threat that employs the inherent functions, capabilities, authorities, and responsibilities of that National Institutes of Health, Biodefense Advanced Research and Development Authority (BARDA), and Project BioShield. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 202. Communication of Threat Information and Alerts.

This section directs the Secretary of Homeland Security, in coordination with appropriate Federal agencies, to ensure that homeland security information concerning terrorist threats is disseminated to the general public within the United States, as appropriate. (ADDRESSES WORLD AT RISK RECOMMENDATION 13.)

SEC. 203. Individual and Community Preparedness for Weapons of Mass Destruction.

This section requires the Secretary of Homeland Security, acting through the FEMA Administrator, to assist State, local, and tribal governments in improving and promoting individual and community preparedness and collective response to attacks involving biological,

chemical, radiological, and nuclear materials against the nation. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-5 AND 13.)

SEC. 204. Communications Planning for Weapons of Mass Destruction Information Dissemination.

This section requires the Secretary, acting through the FEMA Administrator, to incorporate a communications plan (into FEMA operational plans) for providing information to the public related to preventing, preparing for, protecting against, and responding to attacks with weapons of mass destruction and acts of terrorism. (ADDRESSES WORLD AT RISK RECOMMENDATION 13.)

TITLE III—DETECTION

SEC. 301. National Biosurveillance Strategy.

This section requires the Secretary of Homeland Security to examine the current state of biosurveillance and develop and maintain a national strategy for biosurveillance. (ADDRESSES WORLD AT RISK RECOMMENDATION 2-2.)

SEC. 302. National Biosurveillance Integration Center (NBIC).

This section authorizes the National Biosurveillance Integration Center (NBIC) in the Office of Intelligence and Analysis at DHS (moving it out of the Office of Health Affairs) and requires participating Federal departments and agencies to detail personnel on a reimbursable basis. (ADDRESSES WORLD AT RISK RECOMMENDATION 10.)

SEC. 303. Detection of Biological Attacks.

This section authorizes the DHS biological detectors program (BioWatch) and contracting with participating laboratories for the provision of laboratory services administrative costs on a fee-for-service basis or similar basis. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 304. Rapid Biological Threat Detection and Identification.

This section permits the DHS Science and Technology Directorate to pursue the development of screening capabilities for exposure to biological agents, pandemic influenza, and other infectious diseases for entry and exit screening at ports of entry. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 305. Payment for Laboratory Response Network for Bioterrorism Services (LRN).

This section authorizes the Secretary of Homeland Security and other participating Federal agencies to contract with State and local LRN laboratories for testing services on a fee-for-service, prepayment or other similar basis. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 306. Establishment of the Integrated Consortium of Laboratory Networks (ICLN).

This section authorizes the ICLN within DHS and requires the ICLN to detect and respond quickly to acts of terrorism, to support effective all-hazard laboratory response, to support the FBI and other law enforcement agencies with responsibilities for investigating incidents involving weapons of mass destruction and/or their agents, and to support threat agent characterization studies and assay evaluation, research, and development. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

TITLE IV—ATTRIBUTION

SEC. 401. Bioforensics Capabilities and Strategy.

This section directs the Secretary of Homeland Security to develop and maintain a national bioforensics strategy, increase national bioforensic capabilities, and create a national reference collection of organisms for bioforensic purposes. This section also authorizes the National Bioforensics Analysis Center (NBFAC) within DHS and requires the NBFAC to maintain the national bioforensics repository collection. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-2.)

SEC. 402. National Academy of Sciences Study on Forensic Science in Homeland Security.

This section directs the Secretary of Homeland Security to enter into an agreement with the National Academy of Sciences to undertake a study on the role of forensic science in homeland security and to issue appropriate recommendations. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-2.)

SEC. 403. Training to Investigate Biological Threats.

This section directs the Secretary of Homeland Security to provide training for law enforcement, public health, and security personnel on recognizing and responding to situations involving potential biological threats. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-2.)

TITLE V—RESPONSE

SEC. 501. National Medical Countermeasure Dispensing Strategy.

This section requires the Secretary of Health and Human Services to develop and implement a National Medical Countermeasure Dispensing Strategy to enhance preparedness and collective response to an attack with a biological agent or toxin, chemical, radiological, or nuclear agent. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 502. First Responder Guidance Concerning Weapons of Mass Destruction Attacks.

This section requires the Secretary of Homeland Security to develop voluntary guidance in coordination with State, local, and tribal governments and representatives of emergency response provider organizations, for police, fire, emergency medical services, emergency management, hospitals, and public health personnel for responding to an explosion or release of nuclear, biological, radiological, or chemical material and to make this guidance available to State, local, and tribal governments, nongovernmental organizations, and the private sector. (ADDRESSES WORLD AT RISK RECOMMENDATIONS 1-5 AND 13.)

SEC. 503. Integrated Plume Modeling for Response.

This section requires the Secretary of Homeland Security to develop and disseminate integrated plume models to enable rapid response activities following a biological, nuclear, radiological, or chemical explosion or release. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

TITLE VI—RECOVERY

SEC. 601. Recovery and Restoration from a Biological Attack or Incident Guidelines.

This section requires the Secretary of Homeland Security to develop and issue guidelines in coordination with the Environmental Protection Agency for cleaning and restoring indoor and outdoor areas that have been affected by the release of a biological agent. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)

SEC. 602. Establishment of an Interagency Biological Restoration Demonstration Program.

This section establishes a program for interagency biological restoration demonstration within the DHS Science and Technology Directorate. The goal of the program shall be to enhance recovery and restoration of affected areas, including wide urban areas and critical infrastructure. (ADDRESSES WORLD AT RISK RECOMMENDATION 1-5.)